

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00034

TRELLAE NELLUM-TONEY

.

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of the defendant Trellae Nellum-Toney for a continuance of the trial and all related deadlines and for a finding of excludable time under the Speedy Trial Act. (ECF No. 17.) Counsel for defendant explains that additional time is needed for counsel and the defendant to review discovery thoroughly and independently and confer regarding the same. Counsel further explains that significant investigation and necessary research will need to be conducted prior to determining what, if any, pretrial motions need to be filed. The government does not object to a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion

"would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

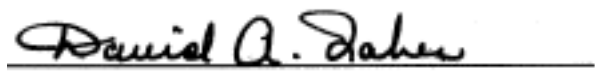
Accordingly, the court hereby **ORDERS** as follows:

1. The deadline for the filing of pretrial motions is continued to **May 25, 2023**;
2. The Pretrial Motions Hearing is continued to **June 6, 2023**, at 11:30 a.m. in Charleston;
3. Jury Instructions and Proposed Voir Dire are due by **July 3, 2023**;
4. Trial of this action is continued to **July 11, 2023**, at 9:30 a.m. in Charleston; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 31st day of March, 2023.

ENTER:


David A. Faber
Senior United States District Judge